

MINUTES OF MEETING OF THE BOARD OF PUBLIC WORKS, MARCH 9, 1959.

The Board of Public Works met in the office of the Governor, State House, Annapolis, Maryland, on Monday, March 9, 1959.

There were present:

J. Millard Tawes, Governor
Louis L. Goldstein, Comptroller
Hooper S. Miles, Treasurer.

Also attending were:

Mr. James J. O'Donnell, Director, Department of Public Improvements
Mr. James G. Rennie, Director, Department of Budget and Procurement
Mr. Russell H. McCain, Executive Assistant to the Governor.

CONSTRUCTION:

The Board was advised by Mr. O'Donnell and Mr. Rennie that in all of the items submitted and recommended to the Board where payment is to be made from the proceeds of the following bond issues:

General Construction Loan of 1953	General Construction Loan of 1956
General Construction Loan of 1954	General Construction Loan of 1957
General Construction Loan of 1955	General Construction Loan of 1958,

that full regard was had to the provisions of Section 7 of each of the following laws pertaining to the above construction loans:

Chapter 780 of the Acts of 1953, and as amended in 1954
Chapter 45 of the Acts of 1954
Chapter 266 of the Acts of 1955, and as amended in
1956, 1957 and 1958
Chapter 98 of the Acts of 1956, and as amended in 1957 and 1958
Chapter 532 of the Acts of 1957, and as amended in 1958; and
Chapter 66 of the Acts of 1958,

said Section 7 reading as follows:

"And Be It Further Enacted, That no department, board, commission, agency or institution specified or named in this Act shall begin any work with funds secured pursuant to the provisions of this Act unless satisfactory assurances are made to the Board of Public Works that the work described in the individual items of this Act can be completed with the funds specified for each such item respectively."

BARRETT SCHOOL FOR GIRLS:

The Secretary brought to the attention of the Board a letter received from the County Commissioners for Anne Arundel County, under date of March 4, 1959, asking that, should the State abandon the operation of Barrett School for Girls, at Glen Burnie, the County Commissioners for Anne Arundel County be given an opportunity to negotiate for its purchase or transfer in as much as such property would be highly desirable for governmental purposes or otherwise by Anne Arundel County.

The Board requested the Secretary to keep this letter on file in order that the County Commissioners be given every opportunity to negotiate with the State in the matter should the property be offered for sale.

BOARD OF PUBLIC WORKS:

1- The Secretary advised the Board of the expenditure of \$2,935.71 for the New Marsh Wholesale Produce Market Authority from the General Construction Loan of 1958-Item 1.

2- The Secretary advised the Board of the following expenditures which had been made from Special Programs within the budget of the Board of Public Works:--

Budget Program 06.03.00.06 -- Refunds	
County Commissioners of Caroline County, to cover error in connection with payments for patient maintenance in Dorchester County, at Eastern Shore State Hospital.	\$162.30
County Commissioners of Kent County, to cover error in connection with payments for patient maintenance at Eastern Shore State Hospital.	100.00
Philadelphia Fire & Marine Insurance Co., covering overpayment in connection with Health & Accident Premiums.	666.08

(cont.)

(Bd. of Public Works)

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Budget Program 06.03.00.06 -- Refunds
Southern Life Insurance Co., covering refund of overpayment
of premiums, taxes and fees. \$ 469.10

Budget Program 06.03.00.56 --
Invoices for the New Marsh Wholesale Produce Market Authority. 100.53 .

CIVIL DEFENSE:

Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts in connection with the Civil Defense Program in the State, with payment to be made from the funds indicated:

General Construction Loan of 1956-Item 20 --
Commercial Contractors, Inc., for Change Order #4 to contract approved
August 18, 1958, for Civil Defense-State Police Joint Use Building
in Pikesville. Fee-Jamison and Marcks. (23-B) \$3,900.00
General Construction Loan of 1957-Item 13 --
Roney and Fockler, attorneys, for legal services in connection with
purchase of land for the Northeast Barracks. (23-C) 30.50 .

COMMISSIONER OF PERSONNEL:

The Secretary brought to the attention of the Board a letter, dated March 4, 1959, received from the Commissioner of Personnel relating to the classification and management survey which has been made of that office and requesting that the following new classifications be declared to be emergency matters:

Assistant Director, Examination Division
Senior Personnel Assistant
Personnel Assistant II,

due to the conditions set forth in the agency's letter. It was stated that there are sufficient funds in the agency's budget to take care of any additional costs which might be involved.

After due consideration, the Board approved this request and authorized the Standard Salary Board to take the necessary action on these classifications.

CROWNSVILLE STATE HOSPITAL:

The Secretary advised the Board of the receipt of \$321.85 in settlement of various fire losses which had occurred at Crownsville State Hospital during 1958, and credit of same on February 16, 1959, to the Board of Public Works-Fire Losses State Property Fund-Item 6.

DEER'S HEAD STATE HOSPITAL:

The Secretary advised the Board of receipt of \$21.94 in settlement of fire loss at Deer's Head State hospital on February 1, 1958, and credit of same to the Board of Public Works--Fire Losses State Property Fund, Item 31.

DEPARTMENT OF CORRECTION:

1- The Board approved request of the Department of Correction, dated March 9, 1959, for permission to transfer \$15,000.00 from the Maryland Penitentiary-State Use Industries Fund to the Board of Correction-State Use Industries Funds, to continue the program during the last four months of the fiscal year 1959.

2- At its meeting held on October 28, 1959, the Board of Public Works referred to the State Law Department request of the Department of Correction for permission to write-off invoices totaling \$32,287.02 owed by the Public Works Operation Fund-Maryland House of Correction to the 1958 Budget Appropriation-Maryland House of Correction, in view of the fact that the 1958 budget had been closed out and the condition of the Fund has not permitted payment of these invoices.

Mr. James W. Curran, Superintendent of Prisons, appeared before the Board at today's meeting in connection with this request, as presented in the department's letter of September 30, 1958, and a supplemental letter of March 3, 1959. This entire matter was discussed prior to today's meeting with representatives of the State Law Department, the Department of Budget and Procurement, the State Auditor, the State Comptroller's Office, the Department of Correction, and the Secretary of the Board of Public Works.

After a full discussion of the situation, the Board approved the writing-off of the amount of \$32,287.02, which is a deficit from the 1958 fiscal year. And, in its deliberations of this matter, the Board also discussed the additional deficit of \$34,418.60 which

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(Dept.of Corrections)

2- existed at the end of January, of 1959, but felt that no action should be taken in connection with this amount, and, therefore, deferred any formal action in that connection.

3- Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the Department of Correction, with payment to be made from the funds indicated:

John K. Ruff, Inc., for Central Laundry and Inmate Housing, near Sykesville. Fee is applicable to Egli and Gompf, Inc., on the Laundry Building; and to Prentiss Browne on the Inmate Housing. (5-A)	\$627,195.00
(\$341,758.56 Item 70-General Construction Loan of 1958)	
185,684.19 Item 72-General Construction Loan of 1958	
99,752.25 Item 93-General Construction Loan of 1957.	

General Construction Loan of 1958-Item 70 --

State Use Industries, for equipment in connection with the above contract. (5-B)	4,131.50
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Gardens Blue Print and Photo Print Co., for additional prints in connection with bidding for above contract. (5-C)	15.12
" " " " "	7.56
" " " " "	15.12.

DEPARTMENT OF EMPLOYMENT SECURITY:

1- The Secretary brought to the attention of the Board the report received from the Department of Employment Security for the quarter ended December 31, 1958, as submitted on February 17, 1959, showing taxes collected, accounts receivable, liens filed, interest waived, accounts abated and adjusted, and the accounts which were found to be uncollectible.

The Board accepted the report as filed.

2- Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contract by the Department of Employment Security, with payment to be made from the funds indicated:

Federal Funds - Chesapeake Woodcrafts, Inc., for a 14-ft, three station counter in Annapolis Office. (10)	\$772.00 .
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DEPARTMENT OF FORESTS AND PARKS:

1- The Secretary advised the Board of receipt of \$440.96 in settlement of various fire losses sustained by the Department of Forests and Parks during 1958, and credit of same to the Board of Public Works-Fire Losses State Property Fund-Item 3.

2- The Secretary brought to the attention of the Board letter from the Department of Forests and Parks, dated March 2, 1959, submitting the following right of way agreements for approval:-

To the County Commissioners of Wicomico County granting permission to widen the County Road known as The Ray Powell Road a distance of approximately 1.90 miles to a width of 40 ft., measured 20 ft. from the center of each side of the present road. No fee is involved in this transaction.

To Worcester County Roads Board granting permission to widen and improve the County Road known as The River Road for a distance of approximately 2.90 miles. Width of right of way to be 40 ft. measured 20 ft. from center line of existing road. No fee is involved in this transaction.

The Board approved execution of these agreements.

3- The Secretary submitted to the Board for its consideration the following documents received from the Department of Forests and Parks:-

Right of Way Agreement between the department and Baltimore Gas and Electric Co., for the extension of a transmission line at Rocks State Park, Harford County, to supply electric service to operate the pump in the well at The Rocks.

Extension Line Contract showing the cost of this line to be \$53.85, which is to be paid from the General Construction Loan of 1955-Item 31.

The Board approved execution of both of these documents.

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(Dept. of Forests & Parks)

4- The Board approved the following requests of the Department of Forests and Parks, submitted under dates of March 5 and 10, 1959 for the transfer of certain funds:

Transfer of the balance of \$1,244.76 in the account set up for the Patapsco River Valley Advisory Committee in the General Construction Loan of 1957, to the unallocated balance of that loan in Item 31-General Construction Loan of 1957.

Transfer of \$1,400.00 from the unallocated balance in Item 31-General Construction Loan of 1957 to Item 31-f of that loan, with this Item to then be known as "Salary, Principal Clerk".

5- The Secretary advised the Board of the following expenditures which had been made by the Department of Forests and Parks from the General Construction Loan of 1957:--

Item 31-1 (Surveyors, realtors and title work for Patapsco State Park)	
E. F. Raphael & Associates	\$ 252.74
Leo William Rader	2,179.36
Item 31-2 (Patapsco State Park)	
Karl E. Pfeiffer, for recording plat of James E. Riddle tract (approved 12-12-58)	1.25

6- The Board approved construction items 1 and 14 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Department of Forests and Parks:

Board of Public Works-Fire Loss Account-Item 3	List 63	\$ 29.10
	List 64	13.41
General Construction Loan of 1951 - Item 28	List 226	166.07
General Construction Loan of 1952 - Item 19	List 249	24.00
General Construction Loan of 1953 - Item 28	List 251	51.00
General Construction Loan of 1955 - Item 20	List 250	18.00
	Item 23	List 250
	Item 24	List 250
	Item 31	List 250
	Item 32	List 239
		List 250
		List 263
General Construction Loan of 1956 - Item 26	List 275	9.95
	Item 27	List 248
	Item 30	List 248
	Item 31	List 237
		List 248
General Construction Loan of 1957 - Item 22	List 247	105.00
		List 254
		List 255
		List 258
	Item 24	List 247
		List 254
		List 267
	Item 26	List 246
	Item 34	List 242

7- Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the Department of Forests and Parks, with payment to be made from the funds indicated:

General Construction Loan of 1955 -	
Item 27-2 G. Edgar Harr Sons, for Change Order #1 to contract approved Dec. 12, 1958, for Well and Pump at the Marriottsville Shop-Patapsco State Park. (19-A)	\$ 87.75
Item 36 The Republican, for advertisement in connection with application for water permit for Big Run Recreation Area. (19-B)	7.65

DEPARTMENT OF GAME AND INLAND FISH:

Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contract by the Department of Game and Inland Fish, with payment to be made from the funds indicated:

Budget Program 09.03.00.05-14 --

Triangle Construction Co., for excavating and grading for the Community Lake at Elk Neck State Forest. No fee. (item 18)	\$3,675.00
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DEPARTMENT OF MARYLAND STATE POLICE:

1- The Board approved Item 23-D of the agenda of the Department of Public Improvements, relating to the Department of Maryland State Police, as follows:

"Reference is made to Item 27-B of this Department's Agenda of November 12, 1958, wherein award of contract in the amount of \$300.00 to J. H. DeVeau & Son, Inc. was reported with funds indicated as Budget 3-07.05.00.03-14. At the request of the State Police, it is requested that fund source for this contract be changed to Budget 3-07.05.00.03-08."

2- Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the Department of Maryland State Police, with payment to be made from the funds indicated:

Budget Program 3-07.05.00.01-08 --

Blair Brothers, for exterior painting, etc. at Pikesville in Buildings A, G, H, & I, and Entrance Gateway. (23-A) \$1,344.00

Budget Program 3-07.05.00.03-08 0-

Clean-Rite Septic Tank Service, for emergency pumping out of oil storage tank at Waldorf. (23-E) 25.00

General Construction Loan of 1956-Item 20 --

Commercial Contractors, Inc., for Change Order #4 to contract for Civil Defense-State Police Joint Use Bldg. approved 8-18-58. (23-B) 3,900.00

General Construction Loan of 1957-Item 13 --

Roney and Fockler, for preparation of deed, etc. in connection with land purchased for Northeast Barracks. (23-C) 30.50.

EASTERN SHORE STATE HOSPITAL:

Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contract by Eastern Shore State Hospital, with payment to be made as indicated:

Budget Program 10.03.04.03-08 --

E. J. White, for removal of 2 metal tanks in basement of Laundry Building. (item 16) \$1,050.00

DEPARTMENT OF PUBLIC IMPROVEMENTS:

The Secretary brought to the attention of the Board the Monthly Progress Report of the Field Division of the Department of Public Improvements, as of February 28, 1959.

The Board ordered this report filed.

GENERAL EMERGENCY FUND:

Upon the recommendation of Mr. Rennie, the Board approved the following allotments from the General Emergency Fund:

Department of Information - \$1,740.00, to bring up-to-date copies of various advertising material presently on hand.

State Treasurer - \$5,000.00, to supplement current year's appropriations for insurance premiums.

Board of Public Works - \$1,573.00, to cover salary for a new employee (Senior Stenographer) for the remainder of the current fiscal year and for necessary equipment for this employee.

State Department of Education - cancellation of tentative allotment in the amount of \$20,000.00, authorized at the meeting held on January 12, 1959, for the Salisbury State Teachers College. This cancellation is possible due to the enactment of Senate Bill 109, being Chapter 115 of the Acts of 1959 passed by the General Assembly now in session, this Bill amending a portion of the General Construction Loan of 1958 being applicable to this institution.

HALL OF RECORDS:

At the meeting which was held on December 12, 1958, there was presented to the Board the matter of the widening of St. John's Street, Annapolis, Maryland, and the possible deeding of a strip of land lying between the rear of the Hall of Records Building and St. John's Street by St. John's College.

This matter was referred to The State Law Department of Maryland for its consideration. It was the recommendation of that department that the Board of Public Works should call

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The Secretary reported to the Board that such a Deed had been executed by the college, recorded in the office of the Clerk of the Circuit Court for Anne Arundel County, and then filed in the office of the State Treasurer, at Annapolis.

1- The Secretary advised the Board of the receipt of \$513.75 in settlement of various fire losses at the Institution for the Criminally Insane in 1958, and the credit of same to the Board of Public Works-Fire Losses State Property Fund, under date of February 16, 1959, within Item #17.

General Construction Loan of 1953 - Item 1	List 61	\$2,067.94 .
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<u>Lessee</u>	<u>Location</u>	<u>Effective Date</u>	<u>Annual Rental</u>
Charles P. Smith	Apt. 1, 215 Beall St., Cumberland	2/1/59	\$ 540
Charles Barb	Apt. 2, 215 Beall St., "	2/1/59	540
Apt. 3, 215 Beall St. Cumberland	Leona W. Holtzman	2/1/59	660
Henry R. Buser	230 Avirett Ave., Cumberland	1/1/59	600
Carl E. Conn	411 Lehigh St., Cumberland	2/1/59	672
Thomas Durney	Premises on Carrick Place, LaVale	2/1/59	900
William P. Merritt	Premises at Homewood Addition, Cumberland	2/1/59	600
Lawrence Metzner	430 Central Ave., Cumberland	11/24/58	480
Harold Pfister	Premises on Fairgo Rd., Cumberland	3/1/59	360
John R. Reckley	Premises on Banks Ave., Cumberland	12/1/58	480
Clair Ruch	Premises on Poplar St., Cumberland	3/1/59	840
Julian Schonter	216 Emily St., Cumberland	2/1/59	780
Grace M. Walker	228 Avirett Ave., Cumberland	3/1/59	600
Charles R. Witt	412 Central Ave., Cumberland	3/1/59	720
Ernest Wolford	468 Central Ave., Cumberland	1/1/59	396
William L. Ahlfeldt	8712 Old Harford Rd., Baltimore	2/1/59	810
Theodore C. Spandau	5615 Huntsmoor Rd., Baltimore	3/1/59	1,500
Blain W. Sweitzer	Premises on Md. Rt. 41, Mt. Lake Park	3/1/59	600
Thomas Swartz	Premises on Brinkleigh Dr., Ellicott City	3/1/59	1,380
Jane G. Gailbraith	403 Forest Glen Rd., Silver Spring	3/1/59	1,200
Barney Moten	Premises at 6th & Lincoln Sts., Glenarden	1/1/59	480

DEPARTMENT OF CORRECTION: MARYLAND HOUSE OF CORRECTION:--

1-The Secretary brought to the attention of the Board the matter of deficit of \$32,287.02 in the account of the Public Works Operations Fund-Maryland House of Correction, which has been pending since letter of the Department of Correction dated September 30, 1958, supplemented by letter of that department of March 3, 1959.

The Secretary advised the Board of the discussions held with representatives of the State Law Department, the Department of Budget and Procurement, the State Auditor, the State Comptroller's Office, and the Department of Correction prior to today's meeting, wherein the entire situation of the operation of account and the correctional camps was considered.

After a discussion of the matter, the Board approved writing-off the amount of \$32,287.02, which is a deficit from the 1958 fiscal year, but felt that no action should be taken in connection with the additional deficit of \$34,418.60 which existed at the end of January, 1959, and therefore deferred any formal action in that connection. (See, Page 167, of these minutes, also.)

2- The Secretary advised the Board of receipt of \$19,972.34 in settlement of various losses at the Maryland House of Correction in 1958, and credit of same to the Board of Public Works-Fire Losses State Property Fund - Item #11.

3- Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the Maryland House of Correction, with payment to be made from the funds indicated:

Reliable Contracting Co., for Change Order #1 to contract for	
Paving of Roadway, approved July 14, 1958. (item 1)	\$5,473.76
(\$4,945.96 Item 101-General Construction Loan of 1957)	
527.80 State Use Industries Fund - Maryland House of Correction	
No. 769.	
General Construction Loan of 1957-Item 99 -	
Alpha Construction Corp., for Change Order #7 to contract for	
construction of Staff Dormitory, approved March 10, 1958.	
Fee-Bonnett and Brandt. (item 6)	223.95 .

MARYLAND PENITENTIARY:

1-The Secretary brought to the attention of the Board a request received from the Department of Correction, dated March 9, 1959, for permission to transfer \$15,000.00 from the Maryland Penitentiary-State Use Industries Fund to the Board of Correction-State Use Industries Funds, in order that the program of State Use Industries may be continued during the last four months of the 1959 fiscal year.

2- The Board approved construction item 6 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Maryland Penitentiary:

General Construction Loan of 1956 - Item 100	List 37	\$103.17
Item 35	List 35	70.30 .

3- Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the Maryland Penitentiary, with payment to be made from the funds indicated:

General Construction Loan of 1958	
Item 80 - Middletown Well Drilling Co., for gravel constructed	
Well at Poplar Hill Road Camp, Quantico, Wicomico	
County. No fee. (7-A)	\$3,198.00
Item 81 - State Use Industries, for equipment for Poplar Hill	
Camp. Fee-Prentiss Browne. (7-B)	4,131.50 .

MARYLAND STATE REFORMATORY FOR MALES:

1- Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by Maryland State Reformatory for Males, with payment to be made from the funds indicated:

Prison Labor, during January of 1959. (item 21)	\$ 44.50
(\$40.10 Item 104-General Construction Loan of 1956)	
4.40 Item 61-D-General Construction Loan of 1949.	

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(Md. St. Reformatory for Males)

2- The Board approved construction item 7 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Maryland State Reformatory for Males:

General Construction Loan of 1949 - Item 61A	List 37	\$ 33.23
Item 61D	List 38	509.08
Item 61D	List 40	61.92
Item 61D	List 41	51.89
General Construction Loan of 1953 - Item 124	List 10	329.69
Item 124	List 11	100.57
Item 124	List 12	276.60
Item 124	List 13	8.12
General Construction Loan of 1956 - Item 104	List 29	41.50
Item 104	List 31	7.89
Item 105	List 28	25.61.

MARYLAND STATE REFORMATORY FOR WOMEN:

The Board approved construction item 8 of the agenda of the Department of Budget and Procurement, covering the following expenditure by the Maryland State Reformatory for Women:

General Construction Loan of 1952 - Item 70	List 41	\$53.26 .
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MARYLAND TRAINING SCHOOL FOR BOYS:

1- The Secretary brought to the attention of the Board a letter received from the Maryland Training School for Boys, dated February 16, 1959, requesting permission to make a further payment for overtime worked by the Supervisor of Nurses, John Edward Edmonds, in the amount of \$35.79.

The Board approved this request, with payment to be made from Budget Program .05.

2- The Board approved construction item 12 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Maryland Training School for Boys:

General Construction Loan of 1956 - Item 82	List 26	\$ 274.78 .
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MARYLAND TUBERCULOSIS HOSPITALS:1- Henryton State Hospital:

Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by Henryton State Hospital, with payment to be made from the funds indicated:

Budget Program 10.01.12.03.08

Mace Electric Company, for Change Order #1 to Contract for Fire Alarm System, approved December 12, 1958. (13-A)

\$ 905.00

Baltimore Electric Blue Print Company, for prints in connection with Entrance Road project. (13-B)

10.50 .

MILITARY DEPARTMENT:

1- General Milton A. Reckord, the Adjutant General of the Military Department, appeared before the Board in connection with the fire loss sustained at the Fifth Regiment Armory on February 11, 1959, and advised that the Insurance Company and the Dept. of Public Improvements had agreed on the sum to be paid by the Insurance Company under their existing policy, of approximately \$75,000.00 to cover damages to the building structure, equipment, furniture, etc.

General Reckord stated further that he had on hand \$15,000.00 or \$20,000.00 worth of lumber and other material including paint which could be used in making the necessary repairs to the damaged Armory, and he was confident that by using per diem labor and prisoners from the Maryland Penitentiary, the building could be restored at a cost well within the above mentioned amount. The General requested the authority of the Board to make the necessary repairs in the manner indicated, all work to be done under the general supervision of the Department of Public Improvements and in a manner consistent with the previous authority given the Military Department by the Board of Public Works.

General Reckord requested that an estimated sum of \$75,000.00 above referred to, be set aside in the Comptroller's Office for this specific purpose, with the exact amount to be reported at a later date, and that he be permitted to use any funds remaining after this particular work had been accomplished for other needed repairs and alterations to the Fifth Regiment Armory.

The Board approved the two above requests.

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(Military Department)

2- General Reckord then presented two informal bids for alterations and repairs to the Hagerstown Armory, necessitated by the reorganization of the Maryland National Guard under the Pentomic Concept, the low bid being \$2,030.00, which it was decided to accept, and for which the Department requested the Board's approval of acceptance of this bid.

The Board approved this request.

3- The Secretary advised the Board of receipt of \$549.99 in settlement of fire loss sustained by the Military Department on June 11, 1958, and credit of same to the Board of Public Works-Fire Losses State Property Fund - Item #1.

4- The Board approved construction item 4 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Military Department:

General Construction Loan of 1956 - Item 13	List 43	\$ 139.30
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5- The Board approved the following items of the agenda of the Department of Public Improvements, relating to the Military Department, as follows:

22D- "Reference is made to Item 73-A of this Department's Agenda of June 9, 1958, wherein award of contract to Frederick Construction Company was reported in the amount of \$360.65, with funds available in 1958 Budget 07.03.00.03-08. The Military Department has requested that the fund source be changed to read 1959 Budget 07.03.00.03-08."

25A- "The fire loss which occurred at the Fifth Regiment Armory on February 11, 1959, has been divided into two parts for purposes of adjustment. This reporting covers the loss which occurred, excluding damages to drill, exhibition, stairway and balcony areas. The damages to those areas cannot be adjusted until final water damage to the floor of the exhibition hall is known, as well as smoke damage to paint which is concealed by decorations at the present time. The present settlement is as follows:

Damage to Building	\$49,083.37
Damage to Contents	2,122.93
Total	\$51,206.30

The reason for reporting the adjustment in this manner is to place on record the settlement for this portion of the damage so that the further request of the Military Department to be permitted to proceed with necessary repairs can be acted on by the Board of Public Works. Further reporting of additional damages caused by this fire loss can be expected by April 1, 1959."

6- Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the Military Department, with payment to be made from the funds indicated:

Budget Program 07.03.00.03-08 --

Willard Construction Company, Inc., for rebuilding steps, etc. at the Administration Building, Harbor Field	\$ 605.00
Arthur F. Chambers and Sons, for alterations to the Hagerstown Armory	2,030.00

General Construction Loan of 1954 - Item 8 --

Morrow Brothers for construction of the Northwest Baltimore Armory, Change Order #2 to contract approved January 12, 1959. (22-B)	\$1,600.00 max.
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General Construction Loan of 1955 - Item 10 --

Morrow Bros., Inc. for credit on contract approved January 12, 1959 for construction of the Northwest Baltimore Armory, Change Order #1	\$ 800.00 +.
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THE MINERS HOSPITAL:

The Secretary advised the Board of receipt of \$31.55 in settlement of Fire Loss sustained by Miners Hospital January 15, 1958, and credit of same to the Board of Public Works-Fire Losses State Property Fund - Item #29.

MISCELLANEOUS:

- See: Hall of Records, page 171, covering transfer of portion of land from St. John's College to the Hall of Records.

MONTEBELLO STATE HOSPITAL:

1- The Board approved construction item 2 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Montebello State Hospital:

General Construction Loan of 1956 - Item 52A	List 74	\$3,714.92
Item 52A	List 75	584.88
Item 52A	List 76	845.70

2- Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the Montebello State Hospital, with payment to be made from the funds indicated:

General Construction Loan of 1952 - Item 22 --

H.S.T. White, Inc., for Change Order #5 to contract for alterations and addition to the old hospital building, approved August 18, 1958. (14-A) \$ 425.00

Lloyd E. Mitchell, Inc., for installation of relays on the three outside air units in the basement of the New Hospital Building, and no fee applicable. (14-B) \$ 210.00 .

MONTROSE SCHOOL FOR GIRLS:

The Secretary brought to the attention of the Board a letter received from the State Department of Public Welfare, dated February 27, 1959, relative to the matter of the classification of Assistant Superintendent, Juvenile Correctional Institution, for Montrose School for Girls, and requesting the Board to authorize the Standard Salary Board to consider the matter, under the provisions of Section 27 of the Acts of the General Assembly of 1957.

The Board approved a review of this situation by the Standard Salary Board as an emergency matter.

MORGAN STATE COLLEGE:

1- The Board approved request, dated March 5, 1959, on Morgan State College for permission to proceed with the repairs necessitated by fire at that institution on November 20, 1958, and authorized the work to be done by the Cogswell Construction Company, at a cost of \$3,286.65. Payment is to be made from the Board of Public Works-Fire Losses State Property Fund, Item #16.

2- Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the Morgan State College, with payment to be made from the funds indicated:

General Construction Loan of 1958 - Item 96 --

Piracci Construction Company, for labor and material for making test borings in connecting new boiler in the Central Heating Plant. (12) \$ 56.71

PATUXENT INSTITUTION:

1- The Board approved construction item 5 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Patuxent Institution:

General Construction Loan of 1956 - Item 94	List 23	\$ 713.50
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2- After consideration of Item 3 of the agenda of the Department of Public Improvements, quoted immediately below and relating to bids received for the Construction of a Diagnostic Center for Patuxent Institution, the Board decided that it could not permit the Henry A. Knott, Inc. firm to correct and re-form its original proposal. In lieu thereof, the Board would be agreeable to award of a contract to that company in the amount of its original low base bid of \$1,983,000. However, should the firm of Henry A. Knott, Inc. not accept an award on such a basis, then award is to be made to the second bidder, John K. Ruff, Inc. The Board stated that it felt acceptance of correction of a bid would constitute the establishment of an unwise policy by the State. The Board also agreed to waive any penalty if Henry A. Knott, Inc. withdrew their bid.

Item 3- " Solicitation of bids for Construction of a Diagnostic Center for the Patuxent Institution resulted in receipt of twelve bids. Detailed break-downs of the three lowest bids are shown on Page 4 attached. The nine other firms submitting bids are as follow:

Piracci Construction Company
Costanza Construction Company
Mullan Contracting Company
Dorset Contracting Company
John McShain, Inc.

Leimbach Construction Corporation
Lacchi Construction Company
Philip Vizzini & Son, Inc.
Blake Construction Company

(cont.)

(Patuxent Institution)
(Item 3 - cont.) The Base Bids of these bidders varied up to a high of \$2,268,000.

Subsequent to the receipt of bids, the Department of Public Improvements was notified by Henry A. Knott, Inc., low bidder, that that firm had made an error of \$100,000.00 in its base bid. This is as set forth in a letter to the Department of Public Improvements, a copy of which is made available to each Member of the Board of Public Works for his information and examination. The basis of error as set forth by Henry A. Knott, Inc., involves the recapitulation of a column of subcontract figures and materials, totaled on a recapitulation sheet at \$1,747,789.00. The Knott firm advises as indicated by a copy of the adding machine tape pertaining thereto, that these figures should total \$1,847,789.00, the difference equalling an even \$100,000.00.

The Department of Public Improvements has reviewed the question of this mistake with the Deputy Attorney General. As the result of this review, advice has been received that under present legal holdings, the contractor could without question be relieved of his bid without penalty.

We were further advised that the Board of Public Works could in its discretion take any action that it saw fit to take in disposing of this bid. The Deputy Attorney General even indicated that such action could permit the acceptance of a re-formed or corrected bid by the low bidder if it so desired.

It should be noted here that a re-formed or corrected bid, if accepted, would result in the increase of \$100,000.00 in the Knott Base Bid which would increase it to the sum of \$2,083,000.00, which is approximately \$25,000.00 under the Base Bid of John K. Ruff, Inc.

The Project Architect, Lucius R. White, Edward White & Associates; and the second and third low bidders, John K. Ruff, Inc., and Colwill Construction Company respectively, have been advised of the question of the mistake raised by the low bidder. Of these, John K. Ruff, Inc. voiced objection to any award to Henry A. Knott, Inc. on any basis other than by the original low quotation of \$1,983,000.00. They confirmed such a verbal protest by a letter written by their Attorneys, Kelly and Nicolaides of Washington, D. C. A copy of the letter of protest is forwarded to the Members of the Board of Public Works for their information in reviewing these bids.

It appears to this Department that there are several alternate courses of action:

(1) The Board of Public Works could authorize award to Henry A. Knott, Inc. on a basis of the originally submitted bid. If the Knott organization refused to accept any contract offered in this amount on the basis of mistake, apparently their bid and bid bond offered in connection therewith could be withdrawn. In this event, the project could be awarded then to the second low bidder, or bids could be rejected and the entire job re-bid.

(2) The Board of Public Works could accept the Henry A. Knott, Inc. statement of mistake and allow them to re-form their bid, apparently without damage of legal action. Their re-formed bid, if accepted, would be about \$25,000.00 under the second bid of John K. Ruff, Inc. While such action would save money for the State, it could possibly establish a precedent for the interjection of mistake questions on other projects with varying degrees of justification.

(3) The third possible course of action by the Board of Public Works could be simply to reject all of the bids and rebid the job immediately. This action, of course, runs the risk that a rebid of the job may be more costly to the State. It also might result in loss of interest by a number of bidders since the costs as bid in the original job are a matter of public record.

Since the action by the Board of Public Works on these bids is a matter of policy determination rather than a question involving the engineering or technical aspects of the project, it is respectfully requested that the Board indicate the desired course of action concerning the contract award.

Since the determination of how to proceed is of paramount importance, it will be necessary to determine the course of action before contract amount in specific cost can be arrived at with the successful low bidder, and taking into consideration the various Alternates concerned."

ROSEWOOD STATE TRAINING SCHOOL:

Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the Rosewood State Training School, with payment to be made from the funds indicated:

General Construction Loan of 1953 - Item 58--
Norman W. Meekins for Improvements to Roads, Change Order #1,
to contract approved September 15, 1958. (15) \$ 81.00 .

ST. JOHN'S COLLEGE:

See: Hall of Records, Page 171 of these Minutes, covering transfer of portion of land to the Hall of Records.

SPRINGFIELD STATE HOSPITAL:

1- The Secretary advised the Board of receipt of \$39.54 in settlement of various losses at the Springfield State Hospital in 1958, and credit the same to the Board of Public Works-Fire Losses State Property Fund - Item #9.

2- The Board approved construction Item 9 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Springfield State Hospital:

General Construction Loan of 1953 - Item 62	List 87	\$ 34.50
General Construction Loan of 1954 - Item 61	List 56	498.00 .

SPRING GROVE STATE HOSPITAL:

1- The Secretary advised the Board of receipt of \$65.89 in settlement of loss at the Spring Grove State Hospital, and credit the same to the Board of Public Works-Fire Losses State Property Fund - Item #10.

2- The Board approved construction item 14 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Spring Grove State Hospital:

Board of Public Works-Fire Loss Account - Item 10	List 487-A	\$ 239.32
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3- Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contract by the Spring Grove State Hospital, with payment to be made from the funds indicated:

General Construction Loan of 1957 - Item 75 --
Raymond Concrete Pile Company for test borings at the site of the
Rehabilitation Building. (17) \$ 378.70 .

STATE DEPARTMENT OF EDUCATION:

1- Bowie State Teachers College -

The Board approved construction item 10 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Bowie State Teachers College:

General Construction Loan of 1958 - Item 98	List 16	\$1,546.23
Item 98	List 17	195.22

2- Coppin State Teachers College -

The Secretary advised the Board of receipt of \$838.06 in settlement of various losses at the Coppin State Teachers College in 1958, and credit of same to the Board of Public Works-Fire Losses State Property Fund - Item #34.

3- Frostburg State Teachers College -

The Board confirmed the approval given by the individual members prior to today's meeting of request of the State Department of Education, dated February 24, 1959, for permission to proceed with the acquisition of 103 Park Avenue, Frostburg, at a cost of \$5,500.00, for the use of Frostburg State Teachers College. Funds are available in the General Construction Loan of 1958 - Item 103. This property was included on the list of properties desired for the college, as submitted by the State Department of Education at the meeting of June 9, 1958, and listed as being owned by Nellie Togan but actually owned by one Frances Holly, deceased.

4- Salisbury State Teachers College -

Cancellation of tentative allotment in the amount of \$20,000.00, authorized at the meeting held on January 12, 1959, for the Salisbury State Teachers College is possible due to the enactment of Senate Bill 109, being Chapter 115 of the Acts of 1959 passed by the General Assembly now in session. This Bill amending a portion of the General Construction Loan of 1958 being applicable to this institution.

(cont.)

(State Department of Education)

5- Towson State Teachers College -

a. The Board approved construction item 11 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Towson State Teachers College:

General Construction Loan of 1954 - Item 111 List 32. \$ 222.84

b. Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the Towson State Teachers College, with payment to be made from the funds indicated:

General Construction Loan of 1957 - Item 136 --

Item 11-A "In order to extend overhead electric line and underground steam and water lines to the site of the proposed New Laboratory School, which was authorized in Item 136, General Construction Loan of 1957, a right-of-way agreement has been prepared with the advice of the State Law Department between the State and the Pennsylvania Railroad Company, granting such right-of-way for the payment of the sum of \$1.00 (payment waived). The agreement has been executed by the Members of the Board of Public Works, and this submission is made for the purpose of confirming that action."

Budget Program 13.04.07.04-08 --

Blair Brothers, for painting and paperhanging in the President's Residence, Change Order #1 to contract approved February 16, 1959. \$ 188.00 .

STATE DEPARTMENT OF PUBLIC WELFARE:

The Board approved request of the State Department of Public Welfare, dated February 27, 1959, for permission to overdraw within the budgetary restrictions of the public assistance programs to the extent of \$240,000.00 for the month of March, 1959. It is understood that included in this amount is the sum of not more than \$40,000.00 which may be drawn by you, at a future date, from the public assistance Contingent Fund, within your budget, which is under the discretion of the Board of Public Works. And, that this \$40,000.00 is in addition to the \$32,500.00 in General Funds which was authorized by the Board of Public Works at its meeting of February 16, 1959, as being available from the Contingent Fund for these purposes.

STATE EMPLOYEES:

1- Board of Public Works:- \$1,573.00, to cover salary for a new employee (Senior Stenographer) for the remainder of the current fiscal year and for necessary equipment for this employee.

2- Commissioner of Personnel:- The Secretary brought to the attention of the Board a letter, dated March 4, 1959, received from the Commissioner of Personnel relating to the classification and management survey which has been made of that office and requesting that the following new classifications be declared to be emergency matters:

Assistant Director, Examination Division
Senior Personnel Assistant
Personnel Assistant II

This emergency due to the conditions set forth in the agency's letter. It was stated that there are sufficient funds in the agency's budget to take care of any additional costs which might be involved.

After due consideration, the Board approved this request and authorized the Standard Salary Board to take the necessary action on these classifications.

3- Maryland Training School for Boys:- The Secretary brought to the attention of the Board a letter received from the Maryland Training School for Boys, dated February 16, 1959, requesting permission to make a further payment for overtime worked by the Supervisor of Nurses, John Edward Edmonds, in the amount of \$35.79.

The Board approved this request, with payment to be made from Budget Program .05.

4- Montrose School for Girls:- The Secretary brought to the attention of the Board a letter received from the State Department of Public Welfare, dated February 27, 1959, relative to the matter of the classification of Assistant Superintendent, Juvenile Correctional Institution, for Montrose School for Girls, and requesting the Board to authorize the Standard Salary Board to consider the matter, under the provisions of Section 27 of the Acts of the General Assembly of 1957. The Board approved a review of this situation by the Standard Salary Board as an emergency matter.

STATE OFFICE BUILDINGS:Baltimore:-

1. The Secretary advised the Board of receipt of the following in settlement of various losses in the Baltimore office buildings, and credit of same to the Board of Public Works-Fire Losses State Property Fund:

New Office Building	Item 37 - April 2, 1958	\$782.94
State Roads Commission Bldg.	Item 38 - April 29, 1958	240.85
State Roads Commission Bldg.	Item 38 - May 2, 1958	660.41

2. The Board approved Item 24 of the agenda of the Department of Public Improvements as quoted below:

"In connection with telephone installation in the Main Office Building, and the State Roads Building, it is now possible to state the costs involved for the central switchboard system, as well as a working estimate for the actual individual instruments. These costs are as follow:

- | | |
|---|-----------------|
| 1. Temporary switchboard installation now serving the State Roads Building. | \$ 352.10 |
| 2. Instrument installation charge for State Roads Building. | 4,051.66 |
| 3. Charge for transfer of the 212 main stations from the temporary switchboard to the central switchboard in the Main Office Building @ \$5.00 each. | 1,060.00 |
| 4. Charge for transfer of 22 trunk lines from temporary board to central board @ \$5.00 each. | 110.00 |
| 5. Installation of 112 new trunk lines to serve Main Office Building occupants @ \$9.00 each. | 1,008.00 |
| 6. Instrument installation charge for Main Building, based on \$5.00 per instrument per line plus auxiliary equipment, an estimated amount based on individual agency requirements as these requirements have been set forth to Department of Budget and Procurement, and Department of Public Improvements, approximately. | <u>9,500.00</u> |
| | \$16,081.76 |

Of the above cost items, it is the recommendation of the Department of Public Improvements that Items 1, 3, 4, and 5 are legitimate charges against Capital Improvements Funds, and approval is therefore requested for payment of invoices in the amount of \$2,530.10 of the Chesapeake and Potomac Telephone Company of Maryland for Items 1, 3, 4, and 5, with funds available from Item 1, General Construction Loan of 1952.

The installation charge for the Main Office Building, Item 6, estimated at \$9,500. comprises charges for each occupying agency. These individual agency costs are known now as estimates, and upon completion they can be accurately computed; likewise, Item 2 is the individual charge for the State Roads Commission instrument installation, and the charge of \$4,051.66 represents work accomplished and is an obligation of the State. Inasmuch as the individual agencies have been instructed to finance their moving charges from their current budget from savings in rentals, it is the opinion of the Department of Budget and Procurement that in most cases the individual agencies will not have sufficient budgetary surpluses to also accept responsibility for payment for telephone installation charges. It is requested that the Department of Public Improvements be instructed to proceed with the installation of individual telephone instruments as required in the Main office Building, with funds approximating \$13,551.66 to be made available therefore from the Governor's Supplementary Budget, or from such other source that the Board of Public Works may indicate.

Pending decision as to financial responsibility, the Telephone Company is being instructed to proceed with the instrument installation with funds under a temporary basis to be made available from Item 1, General Construction Loan of 1952, with the understanding that those funds will be reimbursed either from the Supplementary Budget or such other source as the Board of Public Works may indicate."

3. Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the State Office Building, Baltimore, with payment from the funds indicated:

General Construction Loan of 1952 - Item 1.

Change Order #16 - Blake Construction Company, Inc., for construction of Baltimore State Office Building, Approved February 11, 1957. Fee Fischer, Nes, Campbell and Associates - The L. P. Kooken Company.	\$14,972.91
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(cont.)

(State Office Buildings - Baltimore)

4. Mr. Henry C. Evans, Superintendent, State Office Buildings - Baltimore, requested permission to ask for bids for the operation of the cafeteria and submitted with this request the form of "Invitation for Bids", which had been approved by the State Law Department as to form and legal sufficiency, together with a list of the bidders and the basic cafeteria suggested price list.

After a full discussion of this request, the Board authorized Mr. Evans to request the suggested bidders for the operation of the cafeteria in the State Office Building to submit proposals.

STATE PROPERTY:

Upon the recommendation of the Department of Budget and Procurement, the Board approved disposal of the following property and equipment which is no longer required in the conduct of the State's business.

Commissioners of the State Accident Fund, office equipment	\$ 20.00
Crownsville State Hospital, laboratory equipment	20.50
State Department of Education, office equipment	65.00
Maryland State Reformatory for Males, livestock	530.59
State Roads Commission, equipment, motor vehicles and scrap	2,848.46
Springfield State Hospital, motor vehicle	226.51
University Hospital, office equipment	15.00

Maryland State Board of Motion Picture Censors - request for permission to remove from inventory and either turn over to State Teachers College, Bowie, or junk several items of equipment which are no longer of use to the agency.

Maryland Penitentiary - request for permission to remove from inventory one Royal typewriter (No. 14-1440414) which has been turned over to the Department of Correction on an inventory transfer basis.

Maryland Penitentiary - request for permission to remove from inventory and dispose of as junk one dough mixing machine which is unusable and has no resale value.

State Roads Commission, motor vehicles	\$4,080.97
Spring Grove State Hospital, scrap	149.40

State Department of Education - request for permission to remove from inventory and junk one wooden, two-drawer file which is broken and unserviceable.

STATE ROADS COMMISSION:

The Secretary advised the Board of receipt of \$3,329.33 in settlement of various losses of the State Roads Commission in 1958, and credit the same to the Board of Public Works-Fire Losses State Property Fund - Item #18.

Deeds: The Board confirmed the execution of the following deeds by the St. Roads Comm.

- To:- Benjamin C. Divico, Mary I. Divico, his wife, et al, covering land in Allegany County, R/W Items 41839 and 41837, Contract A-452-2-620.
- Wilma Calhoun, Arthur C. Calhoun, her husband, and Glenna DeWitt, for land in Garrett County, under R/W Item 41262, Contract G-270-2-620.
- Richard R. Hodgson of land in Wicomico County, under R/W Items 33811, 33815, 33819, 33820, and 33831, Contract W1-292-2-120.
- William C. Humm and Pearl E. Humm, his wife, of land in Frederick Co., under R/W Item 32092, Contract F-490-14-720.
- Donald B. McGill and Laura E. McGill, his wife, of land in Allegany County, for \$3,600.00, covering excess land on the former Halterman property on the north side of Route 40, Item 35445, Contract A-464-8-620.
- Baltimore County, of land in Baltimore County consisting of 9.63 $\frac{1}{2}$ acres located east of the Baltimore-Harrisburg Expressway and south of Seminary Avenue, Item 25760, Contract B-635-3-415, for \$19,570.44.
- Charles M. Reed, Jr. and Betty V., his wife, of land in Baltimore County, known as 125 Forest Ave., Contract B-635-12-420, for the sum \$13,000.00.
- George E. Adams and Helen B. Adams, of land in Charles County, Item 28939, and Item 33977 and Item 28940, Contract Ch-288-1-520, for \$6,200.00.
- The Home Mission Board of the Southern Baptist Convention, of land in Baltimore County, Item NE 143 and Item NE 144 and Item NE 346, Contract B-682-6-420, for \$6,000.00.
- Charles E. Cole and Flora R. Cone, his wife, of land in Frederick County, Items 27872, 27873 and 27874, Contract F-490-5-720, for \$11,400.00.

STATE TREASURER:

The Board approved the following reports of investment transactions made since the last meeting, submitted by Mr. Miles to the Secretary:

State Roads Commission-State Highway Construction Bonds-Second Issue-Sinking Fund. Collection of \$300,000.00 United States Treasury Bills, (dated 11-20-58), due 2-19-59, \$298,680.50 representing original cost, and \$1,319.50, interest.

County Highway Construction Bonds-Second Series-Sinking Fund.

Exchange of United States Treasury Department for \$90,000.00 United States Treasury 1-7/8% Notes, mature February 15, 1959, will receive same amount of United States Treasury 3-3/4% Certificates of Indebtedness, (dated 2-15-59), due 2-15-60.

County Highway Construction Bond-Sinking Fund.

Exchange of United States Treasury Department for \$112,000.00 United States Treasury 1-7/8% Notes which mature February 15, 1959, will receive same amount of United States Treasury 3-3/4% Certificates of Indebtedness, (dated 2-15-59), due 2-15-60.

SUPERINTENDENT OF PUBLIC BUILDINGS AND GROUNDS:

1. The Board disapproved the request, dated February 18, 1959, of the Maryland Workshop for the Blind for permission to move the present vending stand in the State Treasury Building from its location in the lobby of that building to the locker room adjacent to the first floor men's room in the Treasurer's Office.

2. The Board approved Item 8-A from the agenda of the Department of Public Improvements, quoted as follows:

" Reference is made to Item 42 of this Department's Agenda of January 12, 1959, wherein authorization was granted for accomplishment of additional work in an amount not to exceed \$1,200.00 in connection with Renovations to Treasury Building by Blair and Sons Co., Inc. The actual cost of this additional work has now been determined, and it is requested that the final price of \$1,050.20 for Change Order #1 be substituted for the not-to-exceed amount of \$1,200.00 previously reported. A portion of the work covered by Change Order #1 was accomplished in the New State Office Building in the offices occupied by the Department of Game & Inland Fish, and it is therefore requested that the following fund source be used for payment of the work covered by Change Order #1:

\$902.80 Budget 06.03.00.22-08
147.40 Budget 09.03.00.01-08

No fee is applicable. The original Contract was approved in Item 29-A of this department's agenda of November 12, 1958.

3. Upon the recommendation of the Department of Public Improvement, the Board approved award of the following contracts, with payment to be made from the funds indicated:

Budget Program 06.03.00.22-08

Blair & Sons Co., Inc., Change Order #3, to contract for Alterations to the Treasury Building. Original contract, November 12, 1958. (8-C) \$2,982.88
Credit reverts to Item 1, General Construction Loan of 1957 108.01+

General Construction Loan of 1955 - Item 4

Blair & Sons Co., Inc., Change Order #2, to contract for Alterations to Treasury Building. (8-B) \$ 293.25

General Construction Loan of 1957 - Item 1

Blair & Sons Co., Inc., Change Order #2, to contract for Alterations to Treasury Building. (8-B) \$ 450.00

UNIVERSITY OF MARYLAND:

1. The Secretary advised the Board of receipt of \$1,234.16 in settlement of various losses at the University of Maryland in College Park and Baltimore, and credit of same to the Board of Public Works-Fire Losses State Property Fund - Item #22.

2. The Secretary reported that \$20.00 has been decided upon in settlement of fire loss in the Administration Building #077 in the basement janitor's closet, on 12-18-58, University of Maryland, College Park.

3. The Board approved construction Item 13 of the agenda of Department of Budget and Procurement, covering expenditures by the University of Maryland, College Park.

1957 General Construction Loan - Item 150 List 170 \$1,707.54
1958 General Constfuction Loan - Item 121 List 162 76.52

(cont.)

(University of Maryland - Baltimore)

4. Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the University of Maryland, Baltimore, with payment to be made from the funds indicated:

General Construction Loan of 1956 - Item 159.
Baltimore Contractors, Inc. for Construction of the Medical Sciences Library, Change Order #4. Original contract, June 9, 1958, fee - John Carroll Dunn. (20) - \$ 289.00

- Crisfield

5. Upon the recommendation of the Department of Public Improvements, the Board approved award of the following contracts by the University of Maryland, Crisfield, with payment to be made from the funds indicated:

General Construction Loan of 1957 - Item 160
Jesse L. Long, for Site Improvement Work at the Seafood Laboratory (2) \$ 426.00 .

WESTERN MARYLAND STATE HOSPITAL:

1. The Board approved construction item 2 of the agenda of the Department of Budget and Procurement, covering the following expenditures by the Western Maryland State Hospital:

General Construction Loan of 1952 - Item 23A	List 205	\$ 603.72
Item 23D	List 201	2,256.54
Item 23D	List 203	2,832.84
Item 23D	List 204	5,017.07

2. At the February 16, 1959 meeting of the Board, the matter of claim of Mr. Bernard Evander, architect, for services in connection with the design for Western Maryland State Hospital, was referred to the Department of Public Improvements for re-examination and recommendation.

The Board approved payment of \$5,670.00 to Mr. Evander, in addition to amounts previously paid to him for work on this project, this amount being the same as previously approved by the Board (Nov. 9, 1954) in settlement of this claim. The Board stated that this matter could not and would not again be re-opened under any circumstances, and that Mr. Evander was to be required to give the State final release in connection with this claim.

Quoted below is Item 4 of the Department of Public Improvements' report of their findings in this case, as submitted in their agenda:

"At the Board of Public Works meeting of February 16, 1959, the Department of Public Improvements was requested to re-examine facts connected with the claim of Mr. Bernard Evander, Architect, concerning his work performed on the design of a Chronic Disease Hospital Building for Hagerstown. The facts pertaining to this particular claim are as set forth in Department of Public Improvements' Memoranda of March 4, 1953, and September 16, 1953. A restudy of the information contained in these memoranda indicates the Board of Public Works approved the payment to Bernard Evander for work completed in the total amount of \$16,470.00. Of this amount, \$10,800.00 has been paid, and the remaining sum of \$5,670.00 has been offered to Mr. Evander in payment subject to receipt of a full and general release. The total amount of \$16,470. was arrived at as follows: Estimated job allocation cost (as explained in the two Memoranda) -- \$900,000.00; Total Architect's fees -- 6%, broken down as follows: 1.2% on completion of preliminaries, an additional 1.8% on completion of working drawings and specifications.

Mr. Evander was paid the 1.2% in the amount of \$10,800.00. Through detailed review of his work, it was determined that 35% of the working drawings and specifications were completed. Accordingly, 35% x 1.8% = .63%; .63% of \$900,000.00 = \$5,670.00, or the additional sum offered in full settlement by the Board of Public Works.

New counsel retained by Mr. Evander has offered for consideration only one additional point. Counsel pointed out that in our Memorandum of March 4, 1953, (Page 3, Paragraph 7; and Page 5, Paragraph 13), it was stated that as of February 7, 1946, the Board of Public Works had considered and approved an adjustment of from 3% to 4% on projects "Advertised for bids and bids received under the Post War Construction Program". This proposed adjustment under the conditions stated, was approved by the Board of Public Wroks at its meeting on February 7, 1946, as indicated in the Minutes on Page 482 of that year.

Counsel for Mr. Evander has indicated satisfaction with all facts, assumptions and computations as previously set forth in the various Memoranda, with the exception of requesting an adjustment in the total fee paid at the time of completion of plans and specifications from 3% to 4%. This arrangement would leave the preliminary fee basis at 1.2%, but adjust the working drawing fee basis from 1.8% to 2.8%. Based on a 35% completion of plans and specifications, a 2.8% would amount to a total fee of

(cont.)

(Western Maryland State Hospital)

2. Continued:-

.98%; .98% of \$900,000.00 = \$8,820.00, or an increase of \$3,150.00 over the previously designated sum approved by the Board of Public Works for payment.

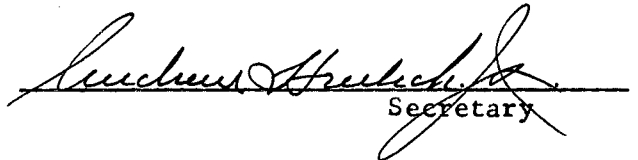
We are not able to say that Mr. Evander would be entitled to payment on this basis since the Minutes of the Board of Public Works pertaining to the fee adjustment specifically stated that the adjustment from 3% to 4% applied to the projects which had been "advertised for bids and on which bids were received". It left unchanged, as far as can be determined from our review of the language, the consideration of a 3% fee on drawings and specifications that were less than fully completed.

It should be pointed out here that contrary to Mr. Evander's counsel's statements, this is not a new fact or new evidence at all, since the considerations affecting this adjustment were mentioned in the Memorandum of March 4, 1953, which was prior to the date of determination of fee basis for this work."

The Board of Public Works has in its file the original release, signed by Mr. Bernard Evander on February 14, 1959, and witnessed by Mr. George W. H. Pierson and Mr. John C. Griffin, approved as to form and legal sufficiency this 13th day of March 1959, by Mr. Stedman Prescott, Jr., Assistant Attorney General.

ADJOURNMENT:

There being no further business, the meeting was adjourned.


Secretary

